

**From:** [Boyd, Andrew](#)  
**To:** [Eng, Sharon](#)  
**Subject:** FW: FMC OU - Dust control and access issues  
**Date:** Tuesday, March 31, 2015 4:23:23 PM

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**From:** Boyd, Andrew  
**Sent:** Tuesday, March 31, 2015 4:21 PM  
**To:** Jill Grant  
**Cc:** McLerran, Dennis; albright.richard@epa.gov; Stern, Allyn; allnut.david@epa.gov; Williams, Jonathan; cliffm@non-responsive; Werntz, James; FHBC; Landuse (Landuse@sbtribes.com); Arnold Appeney (aappeney@sbtribes.com); Kelly Wright (kwright@sbtribes.com); susanh@non-responsive; Virginia Monsisco (vmonsisco@sbtribes.com); Penny Weymiller; Bill Bacon (bbacon@sbtribes.com); Gussie Lord; Sheldrake, Beth  
**Subject:** RE: FMC OU - Dust control and access issues

Jill

Following up on your email below and our phone conversation. I had agreed to get back to you on the issues you identified in your email.

I've talked to our program office and they have confirmed that there were high wind conditions in the area of the FMC site on March 28. Dust was blowing in and across the area from the south and west directions. In response FMC ceased work for a while and then consolidated work in areas of coarser material and employed additional water trucks to control dust. FMC acted in accord with the approved Dust Control and Air Monitoring Plan (DCAMP).

Some additional key points and information provided by the EPA project office regarding dust control during remedial action construction, and this particular event:

- A windstorm began in the Pocatello, ID area on Saturday (March 28) morning and continued into the evening.
- FMC contractor CBI initially responded to the windstorm by taking an early lunch break, at noon on Saturday, instead of 12:30 pm as scheduled.
- EPA's contractor and others on-site witnessed a cloud of dust coming from upwind of the site and blowing across it during the lunch break. The air monitor alarms were sounding, including the fixed E-2 sampler located at the western (upwind) edge of the site.
- When work resumed about 12:40 pm operations were consolidated into four areas, there was a water truck assigned to each of the four work areas, and work was conducted more slowly than usual. Three of the four work areas were located within the relatively coarse-grained slag pile.
- This high-wind event response of consolidating work into areas of coarser-grained material, working more slowly, and having water trucks in each work area, was consistent with the additional procedures FMC developed and implemented last field season in accordance with

the DCAMP in response to EPA observations during a high-wind event.

FMC acknowledged in October 2014 that under very high wind events construction might have to halt entirely. EPA will engage FMC and the Tribes with regard to what conditions might lead to a complete temporary work suspension. In addition, if the Tribes have recommendations for other controls that need to be employed during high wind events the Tribes should provide those to Jonathon, Williams, the EPA Project Manager.

On the access issue, FMC is required by the EPA Unilateral Administrative Order to provide the Tribes with access to the site when accompanied by EPA. There has been some confusion on this on the part of FMC's guards. The guards have on at least one occasion required Tribal representatives to sign their visitor/access forms when the Tribes are at the site to accompany EPA. I have raised this issue with FMC counsel and been assured that FMC will make clear to the guards that they are not to require Tribal representatives to sign the forms when accompanying EPA. EPA does recognize that additional oversight staff are needed and will be increasing its onsite oversight from 40 to 60 hours/week beginning April 1, 2015.

EPA's oversight contractor will continue to provide the Tribes with daily reports at the same time they are provided to EPA Project Manager. The daily reports will continue to include information about anticipated activity for the following day. The Tribes continue to be welcome to accompany EPA's onsite representative during field oversight of remedial action work.

To the extent Tribal representatives have identified issues with the work being performed, the Tribe should not hesitate to bring those matters to the attention of EPA. Those matters are best addressed directly to Jonathon Williams, the EPA Project Manager, but can also be raised with EPA onsite contractors.

If you have questions or would like to discuss these matters further, please don't hesitate to give me a call at 206-553-1222.

Andy

Andrew Boyd  
U.S. EPA, Region 10  
Tel: (206) 553-1222  
[boyd.andrew@epa.gov](mailto:boyd.andrew@epa.gov)

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**From:** Jill Grant [<mailto:jgrant@jillgrantlaw.com>]

**Sent:** Monday, March 30, 2015 8:45 AM

**To:** Shirley, Joan

**Cc:** McLerran, Dennis; [albright.richard@epa.gov](mailto:albright.richard@epa.gov); Stern, Allyn; [allnut.david@epa.gov](mailto:allnut.david@epa.gov); Williams, Jonathan; [cliffm@non-responsive](mailto:cliffm@non-responsive); Wernitz, James; FHBC; Landuse ([Landuse@sbtribes.com](mailto:Landuse@sbtribes.com)); Arnold Appeney ([aappeney@sbtribes.com](mailto:aappeney@sbtribes.com)); Kelly Wright ([kwright@sbtribes.com](mailto:kwright@sbtribes.com)); [susanh@non-responsive](mailto:susanh@non-responsive); Virginia

Monsisco ([ymonsisco@sbtribes.com](mailto:ymonsisco@sbtribes.com)); Penny Weymiller; Bill Bacon ([bbacon@sbtribes.com](mailto:bbacon@sbtribes.com)); Gussie Lord

**Subject:** FMC OU - Dust control and access issues

**Importance:** High

Good morning Joan,

Over the past few days, two issues of significant concern have arisen regarding the FMC OU, and the Tribes urgently need EPA to address them.

First, dust from the site was kicked up by windy conditions and was seen spreading throughout the valley. The crushing of slag and spreading of slag across the site has contributed to the dust problem. As you know, the slag dust contains radioactivity, making the health threat all the more severe (the threat is not just from particulate matter, but from radioactive particulate matter), for everyone in the area.

The Dust Control and Air Monitoring Plan (DCAMP) contains a zero emission goal, which clearly is not being met. (See Section 2.1 of the October 2014 version of the DCAMP, which is the latest version I have.) The Tribes contacted Jonathan Williams, Cliff Merrill, and others at EPA and sent several photos of the conditions in the area, but to my knowledge have not yet received any response. (If you would like me to email you copies of the photos, please let me know.) EPA needs to enforce the requirements of the DCAMP immediately.

Second, the Tribes' access to the FMC OU has been severely limited, which in turn limits the oversight that the Tribes can provide of the activities proceeding at the site. Not only is FMC requiring Tribal representatives to sign an access form containing inappropriate statements (e.g. stating the person is just a visitor, that the person's observations carry no weight, etc.), but also FMC has limited the times it will escort Tribal representative onto the site to just two hours in the morning and two hours in the afternoon. Since there is only one EPA contractor (Cliff Merrill) performing oversight, and he cannot be at the site full-time due to his other duties, that means there are many hours when FMC is proceeding without any oversight. Tribal representatives have identified issues with the work being performed, such as with the placement of air quality monitors, even during the limited access they have had, making this concern all the more serious.

Please let me know as soon as possible how EPA will address these concerns.

Jill

Jill Grant & Associates, LLC  
1319 F Street NW  
Suite 300  
Washington, DC 20004  
Tel: 202-821-1950  
Fax: 202-459-9558  
[jgrant@jillgrantlaw.com](mailto:jgrant@jillgrantlaw.com)  
[www.jillgrantlaw.com](http://www.jillgrantlaw.com)

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